IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3078 OF 1987

Shri C.M.Thawani : Plaintiff

V/s.

M/s.John Roberts Saree Department & Anr. : Defendants

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Ms K.C.Nichani for the plaintiff.

None present for the defendants.

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CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 9, 2007.

P.C.

1. In this summary suit, the defendants were granted unconditional leave to defend on 13.3.1989. They were granted six weeks to file written statement after the suit was transferred to the list of commercial causes. No written statement is filed on record. None appears for the defendants. This is, therefore, a fit case to proceed under Order VIII Rule 10 of the C.P.C.

2. The suit is based on two bills of exchange dated 20.6.1984 for an amount of Rs.25,000/- each. The bills of exchange were drawn by M/s.P Roy & Co., the 2nd defendant directing the 1st defendant to pay the sum mentioned

therein. The plaintiff presented the bills of exchange in the month of October 1984. That bills of exchange were dishonoured. The plaintiff made a demand by notice dated 30.1.1986. However, the defendant no.1 denied having accepted any bills of exchange drawn by the 2nd defendant. The plaintiff, therefore, filed this suit. The plaintiff relies on the bills of exchange in support of the claim.

3. In view of the uncontroverted statements in the plaint and in the absence of the written statement, I consider it appropriate in the interest of justice to decree the suit. The suit is, accordingly, decreed in the sum of Rs.58,975/- with further interest at 6% per annum on Rs.50,000/- from the date of filing of the suit till payment.

4. Decree be drawn up accordingly.

S.A. BOBDE, J.